

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EDWARD L. HOLMES II,

Plaintiff,

v.

KING COUNTY SHERIFF, *et al.*,

Defendants.

Cause No. C21-1360RSL

ORDER REQUIRING A MORE  
DEFINITE STATEMENT

On October 8, 2021, plaintiff's application to proceed *in forma pauperis* was granted and his complaint was accepted for filing. The complaint identifies the King County Superior Court, the Des Moines Municipal Court, the King County Sheriff, and Fox Q13 News as the defendants. Plaintiff asserts claims under Title III of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (the "Wiretap Act" or "Title III", 18 U.S.C. §§ 2510–2522), 42 U.S.C. § 1983, and 42 U.S.C. § 1985. Plaintiff alleges that he was wrongly accused and denied a fair trial and has suffered various forms of misconduct during the prosecution of a criminal case, including inflammatory racial stereotypes, physical abuse and harassment, mental anguish, incarceration, high bonds, and extensive warrants. He also alleges that he was held "in Des Moines" past his release date and has been subjected to extensive monitoring after his release. He seeks "\$2.5 million dollars and [his] record expunged . . . and the news reports erased from media." Dkt. # 5 at 7.

ORDER REQUIRING A MORE  
DEFINITE STATEMENT - 1

1 The Court, having reviewed the record as a whole under the standards articulated in 28  
2 U.S.C. § 1915(e)(2) and having construed the allegations of the complaint liberally (*see*  
3 *Bernhardt v. Los Angeles County*, 339 F.3d 920, 925 (9th Cir. 2003)), finds that plaintiff's  
4 complaint is deficient for the following reasons:

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6 1. Federal Rule of Civil Procedure 8(a)(2) requires "a short and plain statement of the  
7 claim showing that the pleader is entitled to relief." A complaint will be dismissed unless it  
8 states a cognizable legal theory that is supported by sufficient facts to state a "plausible" ground  
9 for relief. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Shroyer v. New Cingular*  
10 *Wireless Servs., Inc.*, 622 F.3d 1035, 1041 (9th Cir. 2010). All well-pleaded allegations are  
11 presumed to be true, with all reasonable inferences drawn in favor of the non-moving party. *In re*  
12 *Fitness Holdings Int'l, Inc.*, 714 F.3d 1141, 1144-45 (9th Cir. 2013). Although a complaint need  
13 not provide detailed factual allegations, it must give rise to something more than mere  
14 speculation that plaintiff has a right to relief. *Twombly*, 550 U.S. at 555.

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16 The King County Superior Court and the King County Sheriff are not mentioned in the  
17 body of the complaint. These defendants - and the Court - would have to guess what acts they  
18 are supposed to have committed and how those acts relate to, much less establish, a claim under  
19 the Wiretap Act or the Civil Rights Act of 1964. At a bare minimum, Rule 8(a) mandates that  
20 plaintiff "give the defendant fair notice of what the ... claim is and the grounds upon which it  
21 rests." *Twombly*, 550 U.S. at 555 (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). The  
22 complaint fails to serve this vital purpose as to the King County defendants.  
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25 Plaintiff's allegations of wrongdoing are, in general, too vague and/or conclusory to raise  
26 a plausible inference that he is entitled to relief from any of the named defendants. For instance,

1 plaintiff alleges that he was “beaten in custody,” but does not identify which defendant had  
2 custody of him at the time or whether another inmate or a guard abused him. Similarly, the fact  
3 that an unnamed judicial officer imposed a significant bond does not raise an inference of  
4 wrongdoing in the absence of facts suggesting improper motive. Without more, plaintiff’s  
5 allegations are insufficient under *Twombly*.  
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7 2. To the extent plaintiff is seeking review of the state court’s judgments and  
8 determinations in an underlying criminal case, the Court lacks subject matter jurisdiction under  
9 the *Rooker-Feldman* doctrine. See *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), and *Dist.*  
10 *of Columbia Ct. of App. v. Feldman*, 460 U.S. 462 (1983). The doctrine arises from 28 U.S.C.  
11 § 1257 which grants jurisdiction to review a state court judgment in the United States Supreme  
12 Court and, by negative inference, prohibits lower federal courts from doing so. *Kougasian v*  
13 *.TMSL, Inc.*, 359 F.3d 1136, 1139 (9th Cir. 2004).  
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15 3. To the extent plaintiff is asserting a claim under 42 U.S.C. § 1983 against Fox Q13  
16 News, he has not alleged state action in support such a claim. Nor has plaintiff identified a  
17 federal statutory or constitutional right that Fox Q13 may have violated.  
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19 4. To the extent plaintiff is asserting claims against judicial officers, “[i]t has long been  
20 established that judges are absolutely immune from liability for acts ‘done by them in the  
21 exercise of their judicial functions.’” *Miller v. Davis*, 521 F.3d 1142, 1145 (9th Cir. 2008)  
22 (quoting *Bradley v. Fisher*, 80 U.S. (13 Wall.) 335, 347 (1871)). Judicial immunity is “absolute”  
23 in that it protects the decisionmaker from exposure to the litigation process in its entirety: the  
24 official is not only free from the risk of a damage award, but also free from suit. *Saucier v. Katz*,  
25 533 U.S. 194, 201 (2001). “[V]arious forms of immunity, including . . . judicial, reflect a policy  
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1 that the public is better served if certain public officials exercise their discretionary duties with  
2 independence and without fear of the burdens of a civil suit for damages.” *Schrob v. Catterson*,  
3 967 F.2d 929, 937 (3rd Cir. 1992). Immunity is particularly appropriate in situations, such as  
4 this, where procedural or substantive errors can be challenged through a motion for  
5 reconsideration and/or on appeal: resort to a separate lawsuit is deemed unnecessary. *Mitchell v.*  
6 *Forsyth*, 472 U.S. 511, 522-23 (1985) (“[T]he judicial process is largely self-correcting:  
7 procedural rules, appeals, and the possibility of collateral challenges obviate the need for  
8 damages actions to prevent unjust results.”).


11 For all of the foregoing reasons, the Court declines to issue a summons in this matter.  
12 Plaintiff may have a viable claim against one or more of the named defendants, but, if so, they  
13 are not apparent from the bare accusations contained in the complaint. Plaintiff is hereby  
14 ORDERED to file on or before November 10, 2021, an amended complaint which clearly and  
15 concisely identifies the acts of which each named defendant is accused and how those acts  
16 violated plaintiff’s legal rights. The key to filing an acceptable amended complaint will be  
17 providing enough facts that each defendant has sufficient notice to mount a defense and from  
18 which one could plausibly infer that plaintiff has a viable legal claim and a right to relief against  
19 each defendant. The amended complaint will replace the existing complaint in its entirety.  
20 Failure to timely file an amended complaint that asserts a plausible claim for relief will result in  
21 dismissal of this action.

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27 ORDER REQUIRING A MORE  
28 DEFINITE STATEMENT - 4

1 The Clerk of Court is directed to place this Order Requiring More Definite Statement on  
2 the Court's calendar for consideration on Friday, November 12, 2021.

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5 Dated this 19th day of October, 2021.

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7 Robert S. Lasnik  
8 United States District Judge  
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